

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

KRISHNA REDDY )  
 )  
v. ) NO. 3-10-1226  
 ) JUDGE CAMPBELL  
WEBMEDX, et al. )

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 93) and Objections filed by the Plaintiff (Docket No. 96). Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b)(3) and Local Rule 72.03(b)(3), the Court has reviewed *de novo* the Report and Recommendation, the Objections, and the file. The Objections of the Plaintiff are overruled, and the Report and Recommendation is adopted and approved.

Plaintiff has not, at this time, carried her burden of establishing that Defendants' pleadings should be stricken from the record, that she is entitled to default judgment, or that she is entitled to judgment as a matter of law. Moreover, because the Court has no personal jurisdiction over the individual Defendants, it cannot grant relief for or against them in this Court.


The Court agrees with the Magistrate Judge that transfer is appropriate under 28 U.S.C. § 1406(a). As stated in the Report and Recommendation, the merits of Defendants' substantive arguments and Plaintiff's responses thereto will be reserved for consideration by the California court.

Accordingly, Plaintiff's Motion to Strike and for Default Judgment or for Judgment (Docket No. 66) is denied, and the individual Defendants' Motion to Dismiss is denied insofar as it seeks dismissal under Fed. R. Civ. P. 12(b)(5). This action is transferred to the U.S. District Court for the Central District of California, pursuant to 28 U.S.C. § 1406(a), and the merits of Defendants'

substantive arguments in their Motions to Dismiss and Plaintiff's responses thereto are reserved for consideration by that court.

The Clerk is directed to transfer this case and to close the file.

IT IS SO ORDERED.

  
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TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE